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Counsel for The Dugaboy Investment Trust

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.

Debtor.

Chapter 11

Case No. 19-34054 (SGJ)

DECLARATION OF MICHELLE
HARTMANN IN SUPPORT OF THE
DUGABOY INVESTMENT TRUST'S
MOTION TO COMPEL FORENSIC
IMAGING OF JAMES P. SEERY, JR.'S
IPHONE

Declaration of Michelle Hartmann

1. I, Michelle Hartmann, under penalty of perjury pursuant to 28 U.S.C. § 1746, declare as follows:

2. I am attorney and partner with the firm of Baker & McKenzie LLP, and counsel in this matter for various former Highland Capital Management LP employees, including Scott Ellington.

3. I submit this declaration in support of The Dugaboy Investment Trust's Motion to Compel Forensic Imaging of James P. Seery Jr.'s iPhone (the "Motion").

4. This declaration is based on my personal knowledge.

5. Attached hereto as **Exhibit A** is a true and correct copy of a February 16, 2023

email from John A. Morris, counsel for James P. Seery, Jr. in his capacity as Chief Executive Officer of HCMLP, to Michele Naudin, counsel for Scott Ellington in *Ellington v. Daugherty*, Cause No. DC 22-00304 pending in the 101st Judicial District of Dallas, County, Texas. The top email in the chain was redacted for privilege. I also am counsel for Mr. Ellington in the separate proceeding of *Kirschner v. Dondero et al.*, Adv. Pro. No. 21-03076 pending in the United States Bankruptcy Court for the Northern District of Texas, and obtained Ms. Naudin's communication with respect to our mutual client Mr. Ellington.

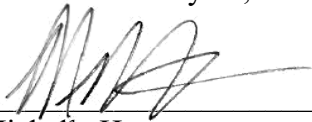
6. Attached hereto as **Exhibit B** is a true and correct copy of a March 4, 2023 Letter from me to Mr. Morris.

7. Attached hereto as **Exhibit C** is a true and correct copy of a March 7, 2023 letter from me to Mr. Morris and Robert Loigman, counsel for the Litigation Trustee for the Highland Litigation Sub-Trust in *Kirschner v. Dondero et al.*, Adv. Proc. No. 21-03076-sgj (Bankr. N.D. Tex.).

8. Attached hereto as **Exhibit D** is a true and correct copy of a March 10, 2023 email from Mr. Morris to me.

9. I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 19, 2023.



Michelle Hartmann